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PATENT
Attorney Docket No. 003-006-C1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on January 21, 2003.

By: Erica L. Canonizado
Erica L. Canonizado

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

PLESS, *et al.*

Application No.: 09/698,357

Filed: October 27, 2000

For: APPARATUS AND METHOD
FOR ABLATING TISSUE

Examiner: M. PEFFLEY

Art Unit: 3739

**TERMINAL DISCLAIMER BY
ATTORNEY OF RECORD**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Petitioner, Epicor Medical, is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/699,215, filed on October 27, 2000, of any patent on the pending second application. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as presently shortened by any terminal disclaimer, in the event that any such patent:

expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

An authorization for Payment of Fees Under 37 CFR §1.20 (d) is attached.

The undersigned is an attorney of record.

Respectfully submitted,

Date January 21, 2003


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